

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

CHARLES EDWARDS,)
Plaintiff,)
v.) CV 316-019
MEDICAL DIRECTOR PAT CLARK,)
Wheeler Correctional Facility; VIRGINIA)
COTTLE, Dental Assistant, Wheeler)
Correctional Facility; and DR. JASMINE)
AHN, Dentist,)
Defendants.)

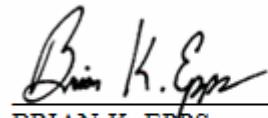
ORDER

Before the Court is Plaintiff’s Request for Sanctions. (Doc. no. 79.) Plaintiff alleges defense counsel improperly told him at his deposition that “he would make Plaintiff [sic] life miserable” and misrepresented to the Court that Plaintiff has diabetes. (*Id.*) Plaintiff further requests the Court appoint a doctor under Federal Rule of Evidence 706 to examine him to determine whether he in fact has diabetes. (*Id.*)

Plaintiff is not entitled to sanctions. First, defense counsel did not tell Plaintiff “he would make Plaintiff [sic] life miserable” as Plaintiff claims. Defense counsel’s full quote, in context, reads, “If you don’t want any problem, why don’t you dismiss this lawsuit, because I’m going to make your life -- I’m going to make you prove it. I’m not trying to be hard on you, Mr. Edwards.” (Pl. Dep., doc. no. 82, p. 59.) Therefore, because defense counsel did not make the alleged statement, Plaintiff is not entitled to sanctions for it.

Second, as defense counsel properly stated in Defendants' Statement of Material Facts Not in Dispute, Georgia Department of Correction records reflect that Washington State Prison did independently label Plaintiff as having diabetic profile. (Doc. no. 63, p. 18.) Therefore, defense counsel did not misrepresent this fact in the summary judgment motion. Finally, the Court **DENIES** Plaintiff's request to appoint a doctor to determine whether he has diabetes. Whether Plaintiff actually has diabetes is not at issue in this case. Accordingly, the Court **DENIES** Plaintiff's Motion for Sanctions. (Doc. no. 79.)

SO ORDERED this 20th day of March, 2018, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA